

REMARKS

Claims 1-73 were pending. In response to the Examiner's restriction requirement, Applicant provisionally elects Group I, encompassing claims 1-44, 53-66, and 68-73 with traverse. Applicant reserve the right to prosecute claims 45-52, and 67 in a future divisional application.

Restriction Requirement

The Examiner requires Applicant to elect one of the following designated groups for examination:

Invention I, encompassing claims 1-44, 53-66, and 68-73, "drawn to a composition, classified in class 514, subclass 561";

Invention II, encompassing claims 45-52, and 67, "drawn to a process of making, classified in class 562, subclass 553".

(Office Action at page 2).

Notwithstanding the foregoing, Applicant respectfully submits that Groups I and II as set forth by the Examiner are amenable to being combined and that such further grouping would not impose a serious burden on the Examiner as Groups I and II are drawn to related subject matter.

The invention of Group I includes stable pharmaceutical formulations composed of one or more amino acids, one or more stabilizers, and at least 20 ppm of an anion. Similarly, the invention of Group II includes a process for forming a stable pharmaceutical formulation having 20 ppm of an anion that includes treating an amino acid with a stabilizer. Accordingly, as Groups I and II are drawn to related subject matter, a restriction between each group should not be required. Applicant requests that the Examiner reconsider this restriction requirement after an initial search has been conducted.

Election of Species

The Office Action also requires a provisional election of a specific stabilizer and a specific adjuvant for prosecution. Pursuant to 37 C.F.R. § 1.146, Applicant hereby provisionally elects alcohols as a class of stabilizer and ethanol as a specific species. Applicant also hereby provisionally elects corn starch as an adjuvant.

It is Applicant's understanding that these elections are being made to aid the Examiner in conducting an examination of the claimed subject matter, and are not to be construed as limiting the scope of Applicant's claims. It is Applicant's understanding also that, if the elected subject matter is found to be allowable over the prior art, the search and examination will be expanded to cover other species, until it includes the full scope of the disclosed species.

Upon allowance of a generic claim, Applicant reserves the right to pursue non-elected species.

Applicant believes that the foregoing is a full and complete response to the Office Action of record.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'S. Timmins', with a long horizontal flourish extending to the right.

Stephen C. Timmins, Esq.
Registration No. 48,481

Date:

5/15/02

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
(215) 568-3100